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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,859	10/01/1999	ANDREW L. LAURSEN	1014C2	7571

23835 7590 11/29/2001

OPENWAVE SYSTEMS INC.
1400 SEAPORT BLVD.
REDWOOD CITY, CA 94063

EXAMINER

CUMMING, WILLIAM D

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 11/29/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/410,857

Applicant(s)

LAURSEN, et al

Examiner

WILLIAM D. CUMMING

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-104 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 32-104 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 32-48, drawn to a telecommunication method for a radiotelephone system with programming control, classified in class 455, subclass 418.
- II. Claims 49-59, drawn to a telecommunication method for a radiotelephone system with usage measurement comprising billing, classified in class 455, subclass 406.
- III. Claims 60-75, drawn to a telecommunication device transceiver comprising radio telephone equipment detail having a display, classified in class 455, subclass 566.
- IV. Claims 76-83, drawn to a telecommunication device in a radio telephone system with usage measurement comprising billing at a remote unit, classified in class 455, subclass 408.
- V. Claims 84-104, drawn to telecommunication device in a radio telephone system having auxiliary data signaling, classified in class 455, subclass 466.

2. The inventions are distinct, each from the other because:

- Inventions I-V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as wireless mobile device. See MPEP § 806.05(d).

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- Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
 - Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
 - Because these inventions are distinct for the reasons given above and the search required for Group V is not required for Group III, restriction for examination purposes as indicated is proper.
3. Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
4. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

- The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
- The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "*The disclosure concerns,*" "*The disclosure defined by this invention,*" "*The disclosure describes,*" etc.

6. The abstract of the disclosure is objected to because the implied phrases.

Correction is required. See MPEP § 608.01(b).

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

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8. The examiners have review this patent application to make certain that hyperlinks and other forms of browser-executable code, especially commercial site URLs, are not included in the text of the application. Examples of a hyperlink or a browser-executable code are a URL placed between these symbols "<>" and http:// followed by a URL address. This patent application has embedded hyperlinks and/or other forms of browser-executable code if issues as a patent and the patent document is placed on the PTO web page, when the patent document is retrieved and viewed via a web browser, the URL is interpreted as a valid HTML code and it becomes a live web link. When a user clicks on the link with a mouse, the user will be transferred to another web page identified by the URL, if it exists, which could be a commercial web site. PTO policy does not permit the PTO to link to any commercial sites since the PTO exercises no control over the organization, views or accuracy of the information contained on these outside sites. Hyperlinks and/or other forms of browser-executable code are embedded in the text of this patent application. The examiner now objects to the specification and indicates to applicants that the embedded hyperlinks and/or other forms of browser-executable code are impermissible and require deletion. This requirement does not apply to electronic documents listed on forms PTO-892 and PTO-1449 where the electronic document is identified by reference to a URL.

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9. The attempt to incorporate subject matter into the patent application by reference to a hyperlink and/or other forms of browser-executable code is considered to be an improper incorporation by reference. See MPEP 608.01(p), paragraph I regarding incorporation by reference.

10. The specification is objected since the appendixes, note pages 1 of the specification, were not submitted, hence the application is not complete.

11. All United States Patent applications current status must be stated and updated.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Primary Examiner Cumming** whose telephone number is 703-305-4394. The examiner can normally be reached on Monday through Thursday from 10:00am to 8:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Supervisory Primary Patent Examiner Hunter, can be reached on 703-308-6732. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9314 for regular communications and 703-872-9314 for after final communications.

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13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



William Cumming
Primary Patent Examiner
Washington, DC 20231
(703) 305-4394 (703) 308 6306 Fax
william.cumming@uspto.gov

A handwritten signature of William Cumming in black ink, written over a printed name and title.

WILLIAM CUMMING
PRIMARY EXAMINER